

**DEPARTMENT OF THE TREASURY
FEDERAL LAW ENFORCEMENT TRAINING CENTER
GLYNCO, GEORGIA 31524**

FLETC DIRECTIVE (FD)

NUMBER: 67-35.G

Subject:

DATE: 12/16/96

Sunset Review: 12/16/99

SEXUAL HARASSMENT

1. PURPOSE. To publish the policy and provide guidance in administering the Federal Government's program against sexual harassment, including the establishment of a sexual harassment hotline.

2. SCOPE. This directive applies to all Federal Law Enforcement Training Center (FLETC) organizational elements, employees, Participating Organizations (PO), students, contractors, visitors, and other persons entering on FLETC premises.

3. CANCELLATION. FLETC Directive No. 67-35.G, Sexual Harassment, dated December 16, 1996, is superseded.

4. BACKGROUND. The Secretary of the Treasury has mandated that each Treasury Bureau establish an "800" hot line number to receive calls from any complainant (FLETC or PO employee, student, or contractor) to report allegations of sexual harassment. Use of the hot line minimizes or eliminates the possibility of reprisal for reporting any alleged sexual harassment issue.

5. REFERENCES.

a. 29 CFR 1614.105

b. Human Resources Directorate Manual, Chapter 735, dated December 9, 1980, entitled "Subchapter II - Sexual Harassment."

c. Department of the Treasury Memorandum from Secretary Bentsen to All Treasury Employees, dated April 21, 1993, Subject: Sexual Harassment Policy.

6. DEFINITION. Sexual harassment is:

a. deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome;

b. implicit or explicit coercive sexual behavior used to control, influence, or affect the career, salary, or job of an employee;

c. a prohibited personnel practice under Title 5, United States Code, section 2302, when it results in discrimination for or against an employee on the basis of conduct not related to performance; i.e. the taking of or refusal to take a personnel action (including promotion) affecting employees who submit to sexual advances or the refusal to promote employees who resist or protest sexual advances; or who are otherwise affected as a result of sexual harassment; such prohibited personnel practices are within the purview of the Office of Special Counsel.

d. any verbal or physical conduct of a sexual nature which interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

7. POLICIES.

a. Sexual harassment is prohibited conduct in the work place and will not be condoned or tolerated; it is illegal, disrespectful of an individual's rights, and damaging to all employees.

b. The FLETC discrimination complaint process has been modified to allow allegations of sexual harassment to be simultaneously brought to the attention of the Director and the Treasury Department Inspector General (IG). Details are provided in the "Procedures for Handling Sexual Harassment Hotline Allegations" handbook.

c. The FLETC has established 1-800-569-7652 as the sexual harassment hot line for reporting allegations of sexual harassment by FLETC and PO employees, students, contractors, visitors, and others who feel they have been a victim of sexual harassment. (Hearing impaired capability is available.)

d. All calls will be reported to the Director and the Treasury IG by the FLETC Equal Employment Opportunity (EEO) Officer or an EEO counselor designated by the EEO Officer to serve as backup for Hot Line coverage.

e. Calls may be made anonymously. Pursuant to the Treasury's Policy, after receipt of a complaint or information from complainant, the caller's identity shall not be disclosed to any source other than the Treasury's IG without the caller's consent unless such disclosure is unavoidable during the course of the investigation.

f. Callers will not be subjected to reprisal for reporting such matters.

g. Hot line matters outside the jurisdiction of the FLETC will be referred to the Treasury IG or other appropriate agencies for their information and appropriate action.

8. RESPONSIBILITIES.

a. All personnel at the FLETC are responsible for maintaining high standards of integrity, impartiality, and conduct to assure proper performance of business and maintenance of public trust. Sexual harassment violates these standards, especially with regard to principles of equal opportunity. All employees are to promptly report all incidents of sexual harassment, including that of students, to a supervisor or manager or the EEO Officer.

b. Every supervisor and manager is responsible for informing employees of options available to them and of the FLETC sexual harassment policy for reporting incidents of sexual harassment and for ensuring that complaints of sexual harassment are examined impartially and resolved promptly. As soon as he or she becomes aware of a situation involving possible sexual harassment, a supervisor will examine the matter and take actions necessary to ensure a work environment free from sexual harassment.

c. Individuals who are sexually harassed by supervisors, peers, subordinates, or others in the FLETC environment are encouraged, but not required, to make it clear that such behavior is offensive and report harassment to the appropriate supervisory level. If the complainant does not receive satisfactory redress or would rather report the problem to someone outside the immediate work environment, he/she may do so in accordance with the procedures in paragraph 9.

d. The EEO Officer and EEO Counselors are responsible for advising complainants who contact them that, rather than calling the hot line, they have the option of having their allegation immediately brought to the attention of the Director and the IG by the EEO Officer.

e. The FLETC EEO Officer is responsible for monitoring hot line calls, ensuring confidentiality, and maintaining close coordination with the EEO counselors who assist in monitoring the hot line.

f. The Director is responsible for ensuring that resolution of the issue is achieved and that uniform written procedures exist concerning the follow-up and resolution process.

9. REDRESS. Sexual harassment may take different forms and may, therefore, be dealt with through different methods of redress. The individual circumstances of each incident will determine the appropriate method for seeking redress.

a. Allegations of sexual harassment may be brought directly to the attention of the Director via the Sexual Harassment Hot Line.

b. In cases where sexual harassment may be a component of sexual discrimination, the EEO complaint procedures outlined in the Department of the Treasury's EEO issuances may be appropriate. In such cases, the affected employee may contact an EEO Counselor or the EEO Officer.

c. Where sexual harassment does not involve apparent sexual discrimination, forms of redress and penalties used in other personnel program areas may be appropriate. These would include grievance, misconduct, adverse action, and unsatisfactory performance procedures, as appropriate.

10. PROCESSING COMPLAINTS OF SEXUAL HARASSMENT. The Director is to be informed of ALL complaints or incidents of sexual harassment reported to supervisors. Where the complainant has elected a form of redress external to the FLETC (Office of the Inspector General, Equal Employment Opportunity Commission, Merit System Protection Board, Office of Special Counsel, etc.), the FLETC will defer to and cooperate in those entities' processes. In cases where the complainant has elected redress obtainable through FLETC processes, the Director, after considering the facts and circumstances of the case, will, if necessary, order additional fact finding and ultimately refer the matter to an appropriate supervisory level for corrective action and/or resolution.

11. OFFICE OF PRIMARY INTEREST. Office of the Director.

Charles F. Rinkevich
Director